

specifying a first temperature of the temperature controlled device comprising a heating device when the detected status is human present; and

specifying a second temperature of the temperature controlled device when the detected status is human absent, the second temperature lower than the first temperature.

13. (once amended) A method according to Claim 10 wherein said step of turning off comprises turning off the temperature controlled device after detecting a human absent status for a predetermined period of time.

19. (once amended) A control unit for control of a heating device, said control unit comprising a human detector.

21. (once amended) A control unit according to Claim 19 wherein said control unit configured to control the heating device based on a human presence status.

Remarks

The Office Action mailed June 3, 2002 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-7, 10-12, and 14-29 are now pending in this application. Claims 1, 2, 14, 15, and 18-21 stand rejected. Claims 8 and 9 have been canceled.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested.

Also, Applicant elects, with traverse, the species directed toward on/off or set point change. Applicant submits that Claims 1-3, 6-7, 10-15, 18-24, and 27-29 read on the elected species.

The requirement for election is traversed because the species clearly are related. Applicant respectfully submits that a thorough search and examination of any particular specie

would be relevant to the examination of the other species, and would not be a serious burden on the examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. Accordingly, reconsideration of the election requirement is requested.

The rejection of Claims 1, 2, 14, 15, and 18-21 under 35 U.S.C. § 102(b) as being anticipated by Hasegawa is respectfully traversed.

Hasegawa describes a sensor box disposed at an upper part of the main body of a refrigerator that is formed in such away as it can be turned on in a horizontal direction and its forward inclination angle can be adjusted. Hasegawa further describes a pair of human body sensors (12 and 13) disposed on a front surface of the sensor box which are configured to detect an asleep human body and an awake human body. Sensors (12 and 13) are spaced apart and output a different voltage when the human body moves. An optical sensor (14) is disposed on the front surface of the sensor box. A control device (35) controls a power switch (9) in response to the output signals of the human body sensors (12 and 13) and optical sensor (14).

Claim 1 recites a method for operating a temperature controlled device, wherein the method includes the steps of “detecting a human presence status...controlling the temperature controlled device at a first temperature when the detected status is human present...and controlling the temperature controlled device at a second temperature when the detected status is human absent.”

Hasegawa does not describe nor suggest a method for operating a temperature controlled device, wherein the method includes the steps of detecting a human presence status, controlling the temperature controlled device at a first temperature when the detected status is human present, and controlling the temperature controlled device at a second temperature when the detected status is human absent. Moreover, Hasegawa does not describe nor suggest a method including controlling a temperature controlled device at a first and a second temperature based upon the detected status. Rather, Hasegawa describes a method of turning on and off a power

supply to the main body of a refrigerator upon a detected status. For the reasons set forth above, Claim 1 is submitted to be patentable over Hasegawa.

Claim 2 depends directly from independent Claim 1. When the recitations of Claim 2 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claim 2 is likewise patentable over Hasegawa.

Claim 14 recites a method for fabricating a temperature controlled device, wherein the method includes “providing a human presence detector...and coupling the human presence detector to the temperature controlled device such that the temperature controlled device is controlled based on a human presence status.”

Hasegawa does not describe nor suggest a method for fabricating a temperature controlled device, wherein the method includes providing a human presence detector and coupling the human presence detector to the temperature controlled device such that the temperature controlled device is controlled based on a human presence status. Specifically, Hasegawa does not describe nor suggest a method including coupling the human presence detector to the temperature controlled device such that the temperature controlled device is controlled based on a human presence status. Rather, Hasegawa describes a method of turning on and off a power supply to the main body of a refrigerator. For the reasons set forth above, Claim 14 is submitted to be patentable over Hasegawa.

Claim 15 depends directly from independent Claim 14. When the recitations of Claim 15 are considered in combination with the recitations of Claim 14, Applicant submits that dependent Claim 15 is likewise patentable over Hasegawa.

Claim 18 recites a method for fabricating a control unit for a temperature controlled device, wherein the method includes the steps of “providing a control unit...and coupling a human detector to the control unit such that the control unit controls the temperature controlled device based on a human presence status.

Hasegawa does not describe nor suggest a method for fabricating a control unit for a temperature controlled device, wherein the method includes the steps of providing a control unit and coupling a human detector to the control unit such that the control unit controls the temperature controlled device based on a human presence status. Specifically, Hasegawa does not describe nor suggest a method including coupling a human detector to the control unit such that the control unit controls the temperature controlled device based on a human presence status. Rather, Hasegawa describes a method of controlling a control device that turns on and off a power supply to the main body of a refrigerator. For the reasons set forth above, Claim 18 is submitted to be patentable over Hasegawa.

Claim 19 has been amended and recites “a control unit for control of a heating device, said control unit comprising a human detector.”

Hasegawa does not describe nor suggest a control unit for control of a heating device, wherein the control unit includes a human detector. Specifically, Hasegawa does not describe nor suggest a control unit for control of a heating device. Rather, Hasegawa describes a control device that turns on and off a power supply to the main body of a refrigerator. For the reasons set forth above, Claim 19 is submitted to be patentable over Hasegawa.

Claims 20 and 21 depends directly from independent Claim 19. When the recitations of Claims 20 and 21 are considered in combination with the recitations of Claim 19, Applicant submits that dependent Claims 20 and 21 are likewise patentable over Hasegawa.

For the reasons set forth above, Claims 1, 2, 14, 15, and 18-21 are submitted to be patentable over Hasegawa.

Express Mail No. EV 130049795 US

03DV-9050
PATENT

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas M. Fisher", written over a horizontal line.

Thomas M. Fisher
Registration No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070

Express Mail No. EV 130049795 US

03DV-9050
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George Mazereeuw :
Serial No.: 09/681,929 : Art Unit: 3744
Filed: June 27, 2001 : Examiner: W. Wayner
For: METHODS AND CONTROL :
UNIT FOR TEMPERATURE :
CONTROLLED DEVICES :

SUBMISSION OF MARKED UP CLAIMS

Hon. Commissioner for Patents
Washington, D.C. 20231

Submitted herewith are marked up claims in accordance with 37 C.F.R. Section
1.211(c)(1)(ii).

IN THE CLAIMS

Please cancel Claims 8 and 9.

1. A method for operating a temperature controlled device, said method comprising the
steps of:

detecting a human presence status; [and]

controlling [a temperature of] the temperature controlled device at a first temperature
[based upon] when the detected status is human present; and

controlling the temperature controlled device at a second temperature when the detected
status is human absent.

RECEIVED
SEP 10 2002
TECHNOLOGY CENTER 3700

6. A method according to Claim 1 [wherein said step of controlling a temperature comprises the steps of] further comprising:

specifying a first temperature of the temperature controlled device comprising a cooling device when the detected status is human present; and

specifying a second temperature of the temperature controlled device when the detected status is human absent, the second temperature higher than the first temperature.

7. A method according to Claim 1 [wherein said step of controlling a temperature comprises the steps of] further comprising:

specifying a first temperature of the temperature controlled device comprising a cooling device when the detected status is human present; and

specifying a second temperature of the temperature controlled device after detecting a human absent status for a predetermined period of time, the second temperature higher than the first temperature.

10. A method [according to Claim 1 wherein said step of controlling a temperature comprises the steps of] for operating a temperature controlled device, said method comprising the steps of:

[specifying a temperature of] controlling the temperature controlled device comprising a heating device at a first temperature when the detected status is human present; and

turning off the temperature controlled device when the detected status is human absent.

11. A method according to Claim [1] 10 wherein said step of controlling [a temperature] the temperature control device comprises the steps of:

specifying a first temperature of the temperature controlled device when the detected status is human present; and

turning off the temperature controlled device after detecting a human absent status for a predetermined period of time.

12. A method according to Claim 1 [wherein said step of controlling a temperature comprises the steps of]further comprising:

specifying a first temperature of the temperature controlled device [comprising a heating device] when the detected status is human present; and

specifying a second temperature of the temperature controlled device when the detected status is human absent, the second temperature lower than the first temperature.

13. (once amended) A method according to Claim [1]10 wherein said step of [controlling a temperature comprises the steps of:



specifying a first temperature of the temperature controlled device comprising a heating device when the detected status is human present; and]

turning off comprises turning off the temperature controlled device after detecting a human absent status for a predetermined period of time.

19. (once amended) A control unit for control of a [temperature controlled]heating device, said control unit comprising a human detector.

21. (once amended) A control unit according to Claim 19 wherein said control unit configured to control the[temperature controlled]heating device based on a human presence status.

Respectfully Submitted,



Thomas M. Fisher
Registration No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070